

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN JACKSON DIVISION

MCRAE LAW FIRM, PLLC

PLAINTIFF

VS

CAUSE NO. 3:19-cv-124 CWR-LRA

BARRY WADE GILMER, INDIVIDUALLY AND
DBA GILMER LAW FIRM, PA;
GILMER LAW FIRM, A PROFESSIONAL ASSOCIATION
AKA GILMER LAW FIRM, PA; GILMER LAW FIRM, PLLC
(Business ID 1041903) AND
MATTHEW WADE GILMER, INDIVIDUALLY

DEFENDANTS

MOTION FOR DISBURSEMENT OF FUNDS FROM THE CLERK OF THE COURT

COMES NOW McRae Law Firm, PLLC ("McRae Firm"), through counsel, and files this its *Motion for Disbursement of Funds from the Clerk of the Court*, and for cause would show:

1. On April 16, 2019, this cause was remanded for the fourth time with the Court finding that attorney's fees and costs are more than appropriate. See Exhibit 1, [CM/ECF #20].

2. Then, on October 22, 2019, this Court entered an Order granting McRae Firm fees and costs in the amount of \$13,931.10 and ordered that said amount be paid before December 1, 2019. See Exhibit 2, [CM/ECF #39].

3. However, payment of said fees and costs was stayed on December 3, 2019 after the Defendants deposited \$16,000 cash with the Clerk of the Court as bond pending appeal. See Exhibit 3, [CM/ECF #49].

4. The Defendants' appeal was unsuccessful, and on September

9, 2020, the Fifth Circuit Court of Appeals issued its mandate and filed in this cause a certified copy of its *Judgment* affirming this Court's *Order* dated October 22, 2019. See Exhibit 4, [CM/ECF #54].

5. Therefore, McRae Firm respectfully requests that the Clerk of the Court be authorized and directed to immediately disburse to McRae Firm the sum of \$13,931.10 together with interest, cost, and attorneys fees.

6. While it does not appear that legal argument or citations to case law or other secondary authority is necessary for the disposition of this Motion, McRae Firm requests waiver of the requirement to file a memorandum brief.

WHEREFORE, PREMISES CONSIDERED, McRae Firm requests the relief requested as set forth herein and prays for general relief.

Respectfully submitted, this the 30th day of October, 2020.

MCRAE LAW FIRM, PLLC

By: s/ Michele D. Biegel
MICHELE D. BIEGEL, Its Attorney

CERTIFICATE OF SERVICE

I, Michele D. Biegel, certify that I have this date served a copy of the above and foregoing **MOTION** with the Clerk of the Court using the CM/ECF system which sent notification of such filing to all counsel of record.

SO CERTIFIED, this the 30th day of October, 2020.

s/ Michele D. Biegel
MICHELE D. BIEGEL

LAW OFFICE OF B. RUTH JOHNSON, PLLC
B. Ruth Johnson
br@brjlaw.net
Mississippi Bar No. 3106
Michele D. Biegel
michele@brjlaw.net
Mississippi Bar No. 101166
405 Tombigbee Street (39201)
Post Office Box 2433
Jackson, Mississippi 39225-2433
Telephone: (601) 354-1000
Facsimile: (601) 354-9994
ATTORNEYS FOR MCRAE LAW FIRM, PLLC